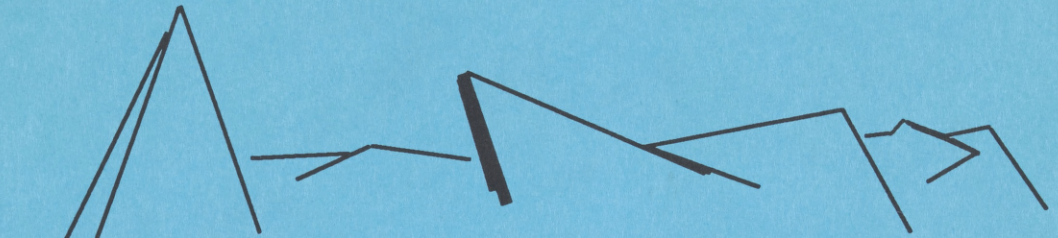

Another Century in Mineral King

Who were the "compatible users" of the last hundred years?

Who will they be in the future?

Published in 1993 by the Mineral King District Association, Jim Ingram, Pres., 15177 Lipson Ave., Visalia, CA., 93291

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Summary of Request for Support

Sixty-seven old mountain cabins in the Mineral King Area are the topic of this discussion. About a dozen of them can be seen as tiny specks below you if you enter the Mineral King valley on foot or horseback from any of several different high passes, each at least 10,000 foot elevation. As you descend 2,000 feet to the valley floor and the end of your trail, the twelve cabins come into closer view, adding human scale to the grandeur of the scene. The visual impact is pleasing. There has been a settlement there for a hundred and ten years.

The Mineral King Area is a remote section of Sequoia National Park in California's southern Sierra Nevada mountains, at the end of a primitive road which is twenty-five miles long. Most of the ninety-five cabins in the Area have been owned and used in the summer for over eighty years. Future use of sixty-seven cabins is in jeopardy, however, and the owners are requesting public understanding and Congressional action.

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Fifty- two of the sixty-seven Mineral King cabins which are in jeopardy are in forests. With very few exceptions, *the land under all sixty-seven cabins, in the valley and in the forests, belongs to the federal government.* Cabin use was governed for sixty years under special use permits by the US Forest Service and, since 1978, by the National Park Service. No cabin owner has been denied a lease, in any of those years, for "uses that are incompatible with the administration of the Park, " (or Forest Service.) (See 1991-1995 special use permits, p. 3,)

Nonetheless, families are now being evicted because of twenty-four words in a 1978 federal law which forced the Park Service into an un-characteristic , time-consuming and costly role of the "grim reaper." It's a grisly role which could continue at taxpayer's expense for another seventy years. The Mineral King District Association, representing cabinowners, is seeking your consideration and support,in order to remove the twenty-four word "eviction clause" from federal language. (See specifics of Our Goal, page 25)

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Mineral King, (which is not a "wilderness area,") was invaded and hastily developed more than a hundred years ago by rapacious miners who stayed for less than ten years and cared very little about conserving wild-life, scenery, or "environmentally sensitive areas." Many visitors, including the cabin owners who have visited the area since the miners departed, have been more careful and respectful users. But other groups have logged redwood trees, let sheep and cattle over-graze, and even now over-use and abuse meadows and parking lots and mistreat wildlife in campsites and elsewhere. There have been many *incompatible* users of the Mineral King Area during the last century, but no documented evidence that cabin owners have been among them.

Families began using some of the abandoned miner's cabins for summer use around 1910, and were soon invited by the government to re-build, build, and stay in the valley. Good stewards of Mineral King over those many years, we believe our past and present cabin occupancy demonstrates a long history of compatible use and is consistent with the basic purpose of our National Parks.

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That purpose is to:

"...conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

This publication is intended to provide some background and facts for members of the Congress and their professional staff assistants; for cabin owners; for the thousands of others who have visited, love the area, and would preserve it; for Park Service personnel; representatives of all media; and other interested members of the public.

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Key Words and Ideas for this discussion

The "78 Law" is part of "omnibus legislation" which the Congress passed fifteen years ago. Among many other things, it added the Mineral King Area to Sequoia National Park, in order to prevent development of large-scale projects such as the ski resort which the Forest Service and the Disney Corporation had proposed. By that Act, management of the Mineral King Area was transferred from the Forest Service , ("FS,") to the National Park Service, ("NPS.") Ninety- five summer-use cabins at Oriole Lake, Cabin Cove, Silver City, and (east and west) Mineral King village were brought under jurisdiction of the Park Service. It also required the NPS to develop a specific management plan and included this language: "The Congress recognizes that the Mineral King valley has outstanding potential for certain year-round recreational opportunities, but the development of permanent facilities for downhill skiing within the area would be inconsistent with the preservation and enhancement of ecological values."

The legislation contained an "eviction clause" which applies to 67 cabins in the Mineral King Area, *but does not apply to 28 cabins in Silver City. and Oriole Lake.*

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Many efforts were made, prior to'78, to bring Mineral King into Sequoia Park, to prevent over-grazing, logging, and large commercial developments. In the 60's and '70's, *specifically to deny Disney development of a huge ski resort,* Senator Cranston and Representatives Burton and Krebs introduced legislation to include Mineral King in Sequoia Park. *Their bills, and others, proposed that cabinowners on public land could continue to occupy summer cabins indefinitely, based on the principle of "compatible use," and did not contain the "eviction clause."*

The "78 Law" can also be identified as PL 95-625. Sections pertaining to this discussion are found in 16 USC S 45 f (d) (2) (B).

The "Eviction Clause" is that part of the '78 Law which denies the surviving family of permittees, after the death of the permittee, use of the cabin. In addition to the clause,the law also provides that survivors remove the cabin *without compensation for the taking of the property.* (See our goal, page 25.)

"Permittees" or "Permittees of Record" are those individuals who identified themselves, as required by terms of the '78 Law, and signed as the sole person responsible for carrying out all terms of the special use permit for each cabin. (The NPS, however, is allowing, in the case of more than one cabin, the names of two persons to be listed as permittees.) The '78 Law prohibits a transfer of permit to any other person.

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The Mineral King Area includes those 16,200 acres which were identified for fifty-two years as the "Sequoia Game Refuge" but were not included in Sequoia Park until 1978. Five clusters of cabins in the greater Mineral King Area are now inside the Park, strung along the only road.

The"eviction clause" applies to cabins in just three of those clusters however.

The Oriole Lake Cabins, three in number, are the first, and about nine miles from the west end of the Mineral King Road. More meadow than water, Oriole Lake is located at about 4,000 feet elevation and reached off the main road by a short, steep, spur road. *The cabins and the land they're on, are privately owned.* The "eviction clause"does does not apply.

Cabin Cove, in dense forest, is comprised of seven cabins *on federally owned land,* about eleven miles east of the Oriole Lake road. Each faces eviction, eventually.

Silver City includes 28 privately-owned cabins ***on private land,*** under towering, old-growth timber and very near a significant stand of ancient redwood trees. Each cabinowner in Silver City owns his or her land, as well as the cabin, and <u>is untouched by the"eviction clause."</u> There are no plans to acquire the cabins and the owners there have reason to plan continued occupancy indefinitely.

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In addition to the cabins at Silver City, there is an old store and gas pump, a restaurant, and a few "rustic" rental cabins, all on private land, privately held. The settlement is a half mile east of Cabin Cove and about four miles west of Mineral King.

Mineral King Village includes two clusters of cabins, each facing eviction. One cluster of 38, all in the forest, is often called "West Mineral King." A public campground is also located there.

A steep mile further east, in a relatively flat, mile-long valley at road's end, is "East Mineral King", where a dozen cabins are in forests and ten more are at the edge of the trees. Trail heads and parking lots, as well as an animal pack station, (which is a concessionaire on federal land,) are also found there, but there are no other commercial establishments in east or west Mineral King, and no commercial electricity.

"In-holdings" *are those privately owned* parcels, such as Silver City, *within* National Forests and National Parks, or inside other public land, such as "National Recreation Areas." Prior to the '78 Law, the Park Service had experience in many areas where summer residences are privately held "in-holdings," but may not have recognized the *uniqueness*, nationally, of 67 Mineral King cabins *on public land* which had been leased for 60 years.

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The Mineral King District Association, "MKDA," was formed in the 60's when most cabinowners wanted to join in support of the Sierra Club as it took the lead to deflect a Disney-sponsored ski development. The MKDA Board of Directors holds an annual meeting and often represents permittees of record in Cabin Cove and east and west Mineral King, in regard to permits, summer occupancy and winter access, safety, compatible use and other matters of importance between the Park Service and cabinowners. In general, NPS personnel in Mineral King and cabinowners have sustained friendly relationships.

In November of 1992, the MKDA polled each of the permittees of record and received overwhelming support to request the Congress to delete the "eviction clause" from public law. Research to document Mineral King legislative history and surveys of other National Parks have been completed; preliminary contacts with members of Congress and their staff personnel have been made; and a legislative Action Committee has been approved by the Board of Directors.

President of the Board of Directors of the Mineral King District Association is: Jim Ingram, 15177 Lipson Ave., Visalia, CA, 93292. (209) 798-0770

Acting under direction of the Board and the Legislative Action Committee, to facilitate this effort is: Ruth Shepherd, 1765 E. 26th, Eugene, OR, 97403.(503) 343-7888.

MKDA efforts are undertaken by volunteers.

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The Mineral King Preservation Society ("MKPS") is a non-profit,public benefit corporation dedicated to making better known and understood the natural and historic values of Mineral King. It has six objectives: 1) Preserve, maintain and protect historical buildings and sites; 2) Collect and preserve records, artifacts and items of historical interest; 3) Research the history of structures and their inhabitants; 4) Establish a repository for photographs, documents and artifacts concerning Mineral King's history, oral tradition and pioneer families; 5) Mark places of historical interest with suitable monuments and markers; and 6) Promote public awareness of and interest in the history of Mineral King.

The MKPS was established in 1986 and is planning to submit an application to the National Registry of Historic Places so that the area can be officially recognized as a National Historic Site. Historic structures and materials are being catalogued carefully and an application will be prepared and submitted soon.

The Congress does not have authority to make designations of National Historic Sites, and will not be approached by the MKPS for that purpose.

Most cabinowners support the effort to obtain historic designation and are members of the MKPS, as well as members of the Mineral King District Association.

(See page 24, "What does the future hold?")

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Questions and Answers

What's the Road like?

It is unlikely that the Mineral King Area will *ever* be accessible to high-volume tourist visitations because the road is formidable and there are no plans by the Park Service or any other agency to make notable improvements. Despite the publicity accorded Mineral King in the past, there are very few casual travelers who "wander in" to Mineral King. Most visitors arrive and depart on weekends, clearly with purpose of hiking or riding the trails, while others camp.

Although Mineral King is unique among National Parks in several ways, it is best known for its remoteness and *inaccessibility*, at the end of a primitive, very steep, and legendary road. Drivers who know the road well take more than an hour to negotiate over six hundred sharp, blind turns and pitches, and constantly anticipate the possibility of meeting another car in the many sections where passing is difficult.

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Built in 1879 for miners who were expecting to haul lucrative silver ore across it, the road has been used , instead, for a hundred and fifteen years, by cattle and sheep, the US Cavalry, loggers, hikers, trail riders, campers, cabinowners, fishermen, and other recreationists. It has been patched, maintained and somewhat improved, but effectively deters most drivers of modern vehicles.

When Barney Oldfield, famous test-car driver was encountered fishing in the Mt. Whitney wilderness area east of Mineral King in the 1920's, he told hikers from Mineral King that he " tried the Mineral King road once, and much prefers access to the backcountry from Lone Pine, on the east side of the Sierras."

With the possible exception of Alaska, Mineral King is the least accessible settlement that can be reached by the public , in a car, in the entire National Parks system. As determined by the State of California, the Disney Corporation and others, when massive ski developments were proposed in 1978, the costs of improving the Mineral King road for any use are prohibitive.

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Who uses the Mineral King Area at this time?

Because of snow, the road to Mineral King is closed to the west of Silver City each winter and winter use of the area is very limited. Most cabins are carefully secured and are unused for nearly eight months each year. The Park Service provides ranger and other staff personnel to the area during the summertime only.

For the past seventy-five years in the summer months and continuing at the present time, *the majority of the vehicles which go up the Mineral King road end their journey at campgrounds or trail-heads.* On most summer days, Park Service vehicles and cars parked at the trailheads and campgrounds out-number cabinowner vehicles by five-to-one in the valley at road's end.

On a "fine weather" week-end in late July of 1993 in the east Mineral King valley at the end of the road, there was a total of fifty-nine vehicles parked at the

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two trailheads and the pack-station on Saturday evening. ***With nearly all cabins in the valley occupied at that time, there were only 20 vehicles parked near them. (Deer, bear and cougar out-numbered all human visitors on that same Saturday, as is the case, every day.)***

Public accomodations in the entire Mineral King Area are so limited that all visitors, including cabinowners, must plan food and other personal needs very carefully . Although there is a store in Silver City which can supply truly basic needs, and a few cabins for rent and a small restuarant, the trailheads are in east Mineral King, four miles away. There is a primitive "outhouse" at *one* of the parking lots in east Mineral King, but there is no overnight accomodation there and no wash or shower house, no restaurant or store, and no commercial electrical power. Lack of public accomodations, as well as the road, *deter most visitors.*

In fact, *there is less road usage, overall, than there was in 1975, when publicity about the Disney proposal subsided.* (See p. 14)

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Who used Mineral King in the past?

At the peak of the "boom-and-bust" mining days in 1879, as many as five hundred people had crowded into the east Mineral King area, where twenty-two cabins stand today. There was general understanding that the streams, terrain, trees and wildlife were the *property* of those early visitors, for their own all-purpose use. There was little concern for "preservation" as miners built saloons and dance halls, then abandoned them, their cabins, and heavy equipment.

In contrast, and at about the same time, however, John Muir and others were exploring the Sierras and began to promote the principles of conservation which later established the Sierra Club, National Parks, and the current public policies which seek to *conserve* America's natural resources while they are enjoyed by present and future generations of visitors.

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However, by the time the miners left, a socialist cooperative group called the Kaweah Colony, and several groups of sheepherders had replaced the miners as new threats to the natural resources in the Mineral King Area. In 1891 the Colony's practice of logging ancient redwood trees was illegal even then and so outraged the new conservationists that the US Calvary was brought to Mineral King, where it "kept the peace," and made it possible to turn loggers, as well as sheep and sheepherders, from the meadows and forests.

The US Department of Agriculture's Forest Service soon after that was given jurisdiction over grazing rights, timber and other land management issues, as well as the old cabins in the Mineral King Area. Families that began to use the cabins, starting around 1910, were escaping the hot summer days in the San Joaquin valley. Many were of modest means, (as is the case today,)and a substantial number of them were school teachers and professors, (as was

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the case in the early days of the Sierra Club.)

Gradually the Forest Service raised standards for use, required indoor plumbing, septic tanks, permits for bonfires, other safety measures and more careful use of the valley in general. Although respect for animals and all other natural parts of the area was, and is, a condition of use, it became a prevalent family value for permittees, and exceeded Forest Service expectations in many cases.

Some of the first permittees were given ninety-nine year leases, which were later changed to shorter time periods, and a number of new lots were offered for lease and developed modestly (in the late 20's and 30's.) *Leases were regularly renewed, **on basis of compatible use**, for the permittees, for sixty years, beginning in 1915.*

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In 1949, however, the Forest Service , (with support from the Sierra Club,) called for bids to develop Mineral King for winter skiing. But the Sierra Club reversed itself in 1965 and led a successful and nationally famous fight that ended, finally, in 1978. Previously wrapped on three sides by Sequoia Park, Mineral King became a part of the Park and is protected from *large-scale* development . "Compatible use" was an issue that was placed "front and center " as a national policy issue when the Congress acted in 1978, but questions of "compatible use" persist in Mineral King...and elsewhere, for continuing response from Park officials and the Congress.

In compatible use was rampant in the Mineral King Area during those acrimonious years of debate between 1965 and 1978, because continuous national publicity brought hundreds of determined tourists, from Manhattan to Tokyo ...despite the road and lack of accomodations. Cars were parked wherever there was space, including meadows, in east Mineral King. There was continued evidence of guitars, boom boxes, drugs, litter and parties at high lakes, and extensive, illegal camping along the streams of the main valley.

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Who supported the Sierra Club and others, to bring Mineral King into the Park?

During those turbulent years a large majority of the cabinowners supported the political effort to "bring Mineral King into the Park at last," and a significant number of those owners were and still are members of the Sierra Club units which worked vigorously to that end. *Their participation came with large amounts of self-sacrifice, however, because there was a commonly-held but uninformed* ***assumption*** *at that time. Inclusion in the Park,many of us thought, meant that use of the cabins would be terminated,* ***inevitably.*** *Cabinowners, simply put,were not aware that the several bills which had been introduced, prior to the '78 Law ,by Senator Cranston and Representatives Krebs, and Representative Burton, which would have brought Mineral King into Sequoia Park,* ***did not include the "eviction clause".*** *Their bills contained language which assured cabin owners of continued occupancy as long as that occupancy was compatible with Park management standards. Later, that language was lost.*

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Was the Sierra Club concerned about future occupancy of leased cabins?

No. Sierra Club officials and local units of the Club were worried, primarily, that the Disney ski and resort proposal, because of it's size, which was projected at one time for year- round daily use by thousands of visitors, would permanently ruin all natural elements of the Mineral King valley. The Club was equally concerned about potential destruction of Park lands along the length of a new, two-lane high-speed highway which was also proposed for the Disney plans.

There was no official testimony by the Sierra Club to the Congress in regard to future occupancy of the leased cabins on public land in Mineral King. In March of this year, Mike McCloskey, Executive Director of the Sierra Club during the years of the debate over the Disney proposal, recollected that "those cabins were not of special concern to us." "I cannot recall that we discussed their future use," he said, and "you might just succeed if you ask Congress to delete that 'eviction clause'."

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Similarly this year, Dr. John Harper, author of " Mineral King, Public Concern with Government Policy," and himself a leader/activist of the Sierra Club units in California which spearheaded the drive for inclusion of Mineral King into the boundaries of Sequoia Park, could not recall concern about the old cabins. "There wasn't much comment about that issue," he said."We were focused intently on 'Park status'."

In fact, in 1975,the Sierra Club's Northern California and Southern California Regional Conservation Committees suggested eleven guidelines as "desireable elements" of a "Mineral King Master Plan," (John Harper, Mineral King, 1982 p. 204) Among the elements were : *expansion* of recreation activities in the area, bus service along the road, and provision of overnight accomodations near the trailheads. *But there was no mention of cabin occupancy or removal of cabins.*

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In the final weeks before passage of the '78 Law , (a huge omnibus of legislation pertaining to all National Parks and to many specific Parks in particular detail,) *the eviction clause was inserted. In 1993, some cabinowners recall that they were notified by someone, but most confronted the eviction clause for the first time after the bill was passed.* Speculation persists about the identity of persons or officials who may have brought that clause forward, and about the seemingly cavalier approach, without reasonable notification of parties which were negatively impacted.

The Congress may have been focused at that time, as others of us were, exclusively on the "Disney issues," and may not have taken time to properly notice and analyze the "eviction clause" and its implications for permittees who had been caring for Mineral King for sixty years.

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Why have permittees waited until now to seek relief from the 1978 "eviction clause?"

It may not have been known, or of concern to conservation activists in 1978, that the sixty seven cabins on leased land in the Mineral King Area were (and are) unique among all the National Parks. The Park Service had experience elsewhere with "in holder" settlements (such as Silver City, which is separated from Mineral King by just four miles,) but it had no existing management category or experience, (and still does not,) for settlements such as Mineral King cabins, which are *not* inholders.

In the Mineral King Area, the eviction clause applies exclusively to the sixty seven cabins on leased property but it does not apply to twenty-eight of our good friends and relatives in Silver City cabins, which are inholders. Questions of fairness and equity arise if the standards of *compatible use* are applied.

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Silver City cabinowners expect with good reason to continue residence indefinitely. A "blessing of compatibility" has been bestowed on them by reason of Park Service Management Plans. Are they *more* compatible users than Mineral King cabinowners? Are Mineral King cabinowners to be denied the continued use of *their* cabins despite their long history of compatible use? Has the "eviction clause" begun new conflicts for Mineral King?

Soon after the '78 Law was passed, many cabinowners in the sixty seven old cabins in the Mineral King Area began to analyze some of the implications of the eviction clause , the equity questions in regard to Silver City, and the revelation that the Congress, prior to'78, *had* included language which *would* have allowed indefinite occupation of the old cabins. However, they were *also* very interested in welcoming the new federal agency as managers and continuing their reputations as compatible guests and good stewards of Mineral King.

Concerns about the eviction clause began to grow as some of the elderly permittees

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experienced health problems. But an approach to Congress, to repeal the eviction clause, was considered "too risky" by many permittees, *fearing as they did , (and some still do) that the Park Service might "retaliate" and evict families* **before** *the death of the permittee when an approach to Congress is undertaken.*

The Mineral King Preservation Society enjoys a strong following among most owners and others, and engendered hope, when it was established in 1986, that cabinowners could "somehow" continue use of their summer homes when historic site designation is obtained. The efforts and leadership of the MKPS are widely supported, but owners have become aware, and the leaders of MKPS have acknowledged, that the goals of MKPS do not assure continued occupancy.

By the fall of '92, the MKDA had hosted an exploratory discussion in Mineral King with Congressman Cal Dooley,(then of California's 17th District); representatives of MKDA visited with Mr. Dooley, and with his staff in D.C.; and cabin owners were polled by the MKDA. It is obvious that, fearful of

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Park Service retaliation or not, cabinowners agree that efforts should be continued by the MKPS to obtain the designation as a National Historic Site, but they recognized, also ,that *legislative action by the Congress is the only way to remedy the eviction clause.*

Meanwhile, the Park Service has begun to carry out the law, as required by the Congress. After much time with attorneys for the Park and other attorneys on behalf of the family, amid controversy, acrimony, and proposals for transfer of title, the Park Service has evicted one family whose permittee of record died a few years ago. Two or three other families will soon be denied use, also.

Although the age of permittees of record is not a matter of *public* record, the MKDA Board of Directors recognizes , under terms of the eviction clause, that the youngest permittee of record could live and occupy the present cabin until 2062 or later, if that permittee complies continuously with and lives "compatibly" with Park Service plans. The Board also realizes that Park Service personnel

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has often had to balance human use of Parks with the conflicting tasks of preserving natural resources. Secretary Babbitt's leadership suggests strongly that personnel in the Department of Interior needs to "re-focus" their time, to spend more of it on actual preservation of natural resources than on management of visitor accomodations and facilities. (NY Times, 8/1/93)

However, unless the eviction clause is deleted, Sequoia Park Service personnel will have to spend substantial time, for seventy years, on the grotesque and time-consuming task of removing families one-by-one, and year after year. An increasingly expensive process at taxpayer's expense, most evictions will be contested, and divisive. Is the "grim reaper" role consistent with the broad and difficult challenges facing the Park Service in 1993? Did the Congress intend to ask Park personnel to watch over death notices, carry the eviction notice to surviving families, become embroiled with contested case after contested case, provide surveillance and enforcement to assure that none of the sixty-seven families try to occupy their home after eviction, or supervise while cabinowners

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remove their structures at their own expense?

What does the future hold?

In 1993, officials of the Preservation Society and of the District Association expressed hope publicly that the goal to obtain historic designation *and* the goal to seek help from the Congress to delete the eviction clause would be achieved soon.

If evicted families travel to Mineral King in the future to visit, will they believe that the Congress *intended* to evict them, even as the Park Service invites continued levels of use by inholders , campers, and hikers ? Which of the users of the past have been " the most compatible? " Will we get to peek into, or tour our old cabins after they're designated as historic sites and we've been evicted? Will the cabins be used by Park Service personnel? If so, does that define *them* as more compatible users than we ? ***Without the eviction clause,*** **what would the Park Service plan for the Mineral King Area?**

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Our Goal

The 1993 goal of the Mineral King District Association is supported by the near-unanimous vote of the sixty seven cabinowners who are permittees under special use permits. The goal is to persuade the Congress to delete twenty four words of Public Law 95-625, relating to Mineral King valley; amending 16 USC S 45 f (d) (2)(B), as follows:

> In the case of a lease or permit which is continued under sub-paragraph(A), upon notice to the Secretary by the lessee or permittee of his intention to seek renewal or extension of such lease or permit, the lease or permit shall be reviewed by the Secretary, and may be renewed or extended for an additional period of five years. Any such lease or permit shall be reviewed at the end of such renewal or extension period and mayh also be renewed or extended in the same manner for additional five year periods thereafter. Any renewals or extension of leases or permits shall [~~be granted only to those persons who were lessees or permittees of record on November 10, 1978, and any such lease or permit shall~~] provide that the lease or permit may be terminated by the Secretary at any time if the Secretary determines that such lease or permit is incompatible with the administration of park pursuant to this section or that the land is needed for park purposes.

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